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Restoring a Balance

In seeking to correct an abuse in society, lawmakers sometimes go too far and thereby create new problems. A prime example of this in recent years has concerned the nation's intelligence-gathering agencies.

Perceived excesses by the FBI in combatting subversive or disrupting groups and questionable covert actions by the CIA abroad led Congress and recent administrations to place new restrictions on these agencies. The restrictions, in some instances, have posed a threat to national security.

Now, fortunately, there is a growing realization that a balance must be found between intelligence agencies' excesses, on the one hand, and, on the other, the crippling of these agencies to the detriment of the nation.

The Iran hostage crisis and the Russian invasion of Afghanistan were major factors in sparking a reassessment of the need for effective intelligence operations. Another was the disturbing discovery that allied nations have become reluctant to share intelligence information with us because of the fear that so many people both in and out of our government would have access to the secrets that they would no longer be secret.

One indication of the gratifying return of reason to this subject was the House Foreign Affairs Committee's recent action in voting to amend the law governing CIA covert operations in order to provide for much more secrecy.

Under a 1974 statute, passed at the height of the anti-CIA furor, that agency cannot undertake covert activities in foreign countries unless the president "reports, in a timely fashion, a description and scope of such operation to the appropriate committees" of Congress. Eight committees are entitled to receive the reports. Imagine how long word of a major covert operation would be kept secret if members of eight

congressional committees were told about it!

The House Foreign Affairs Committee has now voted to cut to two the number of committees that would receive the reports. These would be the House and Senate Intelligence committees.

Furthermore, in a highly significant action, the committee voted to allow the president to withhold prior notification of a covert operation when he deems it "essential" to do so.

At the other side of the Capitol, Republican Sen. Al Simpson of Wyoming has introduced a measure, with the support of several other senators, to make it a criminal offense to deliberately reveal the identity of any undercover agent or informant participating in a federal law enforcement operation.

"During the past five years," he declares, "we have observed — with an almost morbid fascination — the near destruction and dismantling of American intelligence and counter-espionage capabilities. This has come about, in part, because of the inability of the Justice Department to successfully prosecute those individuals who intentionally disclose the identities of undercover CIA agents." He adds that the Afghanistan invasion finally has convinced people that in this dangerous world, America needs "a functioning CIA — and not a toothless tiger CIA."

Any legislation such as that proposed by Sen. Simpson should be drafted with great care to be certain that it would not be in conflict with First Amendment rights. But his bill and comments are in keeping with the new atmosphere in Washington concerning the dire need for effective espionage and counter-espionage activities. If this were a world consisting totally of nice, friendly neighbors, the only place for spies would be James Bond novels. Sadly, it's not that kind of a world.